

REMARKS/ARGUMENTS

Claims 1-18 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness: Claims 1-18

The examiner has rejected claims 1-18 under 35 U.S.C. § 103 as being unpatentable over *Beckett et al.*, System and Method for Visual Application Development without Programming, U.S. Patent No. 6,564,368 (May 13, 2003) (hereinafter “*Beckett*”). This rejection is respectfully traversed.

The Examiner states:

4. In regards to **claim 1**, *Beckett* discloses a method of developing a computer system, comprising the computer-implemented steps of:

defining a first interface associated with a proposed view sub-system and with a proposed business logic sub-system, wherein the proposed view sub-system and the proposed business logic sub-system interact only via the first interface (**Column 1 Lines 24 - 30, 44 - 47; Column 3 Lines 1 - 12, 44 - 47**);

defining a second interface associated with a proposed handler sub-system and with the proposed business logic sub-system, wherein the proposed handler sub system and the proposed business logic sub-system interact only via the second interface (**Column 1 Lines 24 - 30, 44 - 47; Column 3 Lines 1 - 12, 44 - 47**);

wherein the proposed view sub-system, the proposed business logic sub-system, and the proposed handler sub-system are all isolated from each other (**Column 1 Lines 44 - 47; Column 3 Lines 1 - 12, 44 - 47**);

creating the proposed view sub-system in accord with the first interface (**Column 6 Lines 20 - 27**); and

creating the proposed handler sub-system in accord with the second interface (**Column 6 Lines 20 - 27**).

Becket, however, fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system.

However, Becket does disclose that multiple interfaces can be used to connect multiple objects and that one of ordinary skill in the art would know that there are numerous ways of connecting the sub-systems (**Column 6 Lines 20 - 27; Column 8 Lines 23 - 27**). Moreover, it would have been obvious that the sub-systems would be isolated from each other when an interface is placed between them. Further still, it would be obvious that the sub-systems would be in accord with their respected interfaces in order to avoid compatibility issues.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that using the teachings of *Beckett* (**specifically Col. 6 L. 20 - 27 & Col. 8 L. 23 - 27**) the industry is assured the rapid, high-quality construction of products.

Final Office Action dated May 3, 2007, pp. 2-3. (Emphasis in original).

The Examiner opines that “Becket, however, fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system, but Becket does disclose that multiple interfaces can be used to connect multiple objects and that one of ordinary skill in the art would know that there are numerous ways of connecting the sub-systems as found at col. 6 lines 20 - 27; col. 8 lines 23 - 27. Moreover, it would have been obvious that the sub-systems would be isolated from each other when an interface is placed between them. Further still, it would be obvious that the sub-systems would be in accordance with their respected interfaces in order to avoid compatibility issues.”

The reference cited is not analogous to the claimed invention and therefore may not properly form the basis of a rejection. In order to rely on a reference as a basis for rejection, the reference must be either in the applicant's field of endeavor or, if not, then reasonably pertinent to the particular problem with which the inventor was concerned. In *re Oetiker*, 977 F.2d 1443, ___, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992); In *re Deminski*, 796 F.2d 436, 442, 230 U.S.P.Q. 313, 315 (Fed. Cir. 1986). It is necessary to consider the reality of the circumstances--in other words, common sense--in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. In *re Oetiker*, 977 F.2d 1443, ___, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); In *re Wood*, 599 F.2d 1032, 1036, 202 U.S.P.Q. 171, 174 (CCPA 1979).

The field of Becket as stated in col. 1 lines 13-14 as “...visually developing distributed systems without programming” is in contrast with the programming environment required of the claimed invention as stated on page 1 lines 10-11 “the field of computer software and software design, particularly but not solely design and development of Object Oriented GUI-based client applications.” One skilled in the art of programming as needed in the claimed invention would therefore not seek information directed towards elimination of programming.

Additionally, a reference may be said to “teach away” from the claimed invention when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. In *re Gurley*, 27 F.3d 551, 553, 31 U.S.P.Q.2D 1130, 1131 (Fed. Cir. 1995).

Becket teaches at col. 3 lines 30-43 “...Connection Editor interacts with the interface manager of all programs in the system to render that real time status of connections between disparate program interfaces Changes in any interface property during run time operation are

propagated to all other connected interface properties.” Further at col. 6 lines 22-49 is stated “...furthermore, each component must be able to interact with any other component in order to carry out connections ... this is accomplished by requiring that each component implement a standard interface mechanism ... the Connection Editor 203 has a common mechanism to interact with all programs ... an Interface Manager 410. At col. 8 lines 17-20 Beckett teaches “... Interface Manager 410 only requires a reference to another components’ interface manager ... to establish connections.”

In contrast the claimed invention does not require the “standard interface mechanism” of Beckett, rather the claimed invention only requires adjacent node information to define the interface requirements between the nodes as stated on page 7 lines 4-5 “...View 300 must be designed in accord with the agreed Data Object interface 400 and a Handler 320 must be designed in accord with the agreed Data Object interface 420.” Thus, the teachings of the cited reference teach away from the claimed invention.

The claimed technique is further shown in Figure 5 and stated on page 7 lines 7-20,

“Figure 5 shows another embodiment of the invention. In this embodiment the sub-systems 300, 320 and 340 have been further isolated from each other by introducing a third interface, for example, a Listener Interface 440 defining methods which are implemented in the Handler subsystem 320, and can be called by the View sub-system 300 and a fourth interface, for example, a View interface 460 defining methods which are implemented in the View sub-system 300 and can be called by the Handler sub-system 320.

In this embodiment all of the sub-systems can now be developed with a large degree of independence but the View 300 must be designed in accord with both the Data Object interface 400 and the Listener interface 440. The Handler sub-system 320 must be designed in accord with both the Business Object interface 420 and the View interface 460.

Through the use of the Listener and the View interfaces the dependency between the View 300 and the Handler 320 has been totally eliminated.”

The claimed invention therefore functions in manner different from that of the teaching of Beckett. The standard interface and use of the interface manager of Beckett is not evident in the claimed invention. Beckett teaches the use of a “Connection Editor interacts with the interface manager of all programs ...” in a standardized manner to achieve the results of Beckett. The claimed invention does not use the teaching of Beckett, requiring neither the Connection

Editor nor the interface manager features. Beckett thus uses as stated in col. 6 lines 22-49 “...requiring that each component implement a standard interface mechanism ... the Connection Editor 203 has a common mechanism to interact with all programs ...” to establish the environment necessary for the function of Beckett.

Further Beckett teaches connections be used in a standard manner to allow propagation of information as noted previously at col. 3 lines 30-43 “...Connection Editor interacts with the interface manager of all programs in the system to render that real time status of connections between disparate program interfaces Changes in any interface property during run time operation are propagated to all other connected interface properties.”

In contrast the claimed invention isolates sub-systems through the use of interfaces as claimed in the instant claim and supported in page 7 lines 2-20. Further as claimed, creation of the sub-systems is in accordance with a respective interface and not a standard interface technique as taught by Beckett col. 6 lines 22-49. Further Beckett defines the interfaces to the programs as at col. 6 lines 22-49, after the program was created in contrast to the claimed invention in which as in claim 1 is stated “... create the proposed view sub-system in accordance with the first interface ...”, in which the interface definitions determine the sub-system creation. The dependent sequence of operations is reversed from the teaching of Beckett to that as in the claimed invention.

A prima facie case of obviousness cannot be properly based upon a prior art reference if the prior art reference requires some modification in order to meet the claimed invention and such a modification destroys the intended purpose or function of the disclosed invention in the reference. One skilled in the art could not modify the operation of Beckett, defining interfaces to programs, to become the creation of sub-systems after interfaces have been defined as claimed, as Beckett would be vitiated.

The Examiner states “Beckett however fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system,” thereby recognizing a difference between Beckett and the claimed features of the instant invention. Beckett further requires the interfaces of objects to be defined in a standard way to work with the Connection Editor and to replicate information among connections, thereby teaching away from the invention as claimed. Applicant therefore respectfully submits that the claimed invention is distinguished from the teaching of Beckett.

All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). In comparing Beckett to the claimed invention to determine obviousness, limitations of the presently claimed invention may not be ignored. The present invention in claim 1 recites:

“... create the proposed view sub-system in accordance with the first interface; and creating the proposed handler sub-system in accord with the second interface ...” Such a feature is not taught or suggested by Beckett. Therefore, claim 1 is not obvious in view of Beckett.

The arguments thus presented in distinguishing claim 1 over the teaching of Beckett apply equally well to remaining independent claims 11 and 14, those being similar to independent claim 1, and further to claims 2 to 10, 12, 13 and 17, and 15, 16 and 18 depending from claims 1, 11 and 14 respectively. Therefore, in view of the foregoing, the rejection of claims 1-18 under 35 U.S.C. § 103 has been overcome.

II. Conclusion

The subject application is patentable over *Beckett* and should now be in condition for allowance. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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